

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ARNOLD MAURICE BENGIS,
JEFFREY NOLL, and
DAVID BENGIS, *et al.*,

Defendants.

03 Cr. 308 (LAK) (AJP)

**DECLARATION OF DANIEL W. LEVY IN SUPPORT OF THE
GOVERNMENT'S APPLICATION FOR RESTITUTION**

DANIEL W. LEVY, pursuant to Title 28, United States Code, Section 1746, declares
under the penalty of perjury:

1. I am employed in the Office of the United States Attorney for the Southern District of New York.
2. I make this Declaration in support of the Government's application for restitution in the above-referenced matter.
3. Attached hereto as **Exhibit 1** is a true and correct copy of the Government's Memorandum of Law in Opposition to Defendants' Joint Motion to Preclude and/or Limit Restitution, dated October 18, 2004, with Exhibits A through J thereto, previously filed as Document No. 91.
4. Attached hereto as **Exhibit 2** is a true and correct copy of the Government's Recommendation Concerning Restitution, dated December 22, 2004, with Exhibits A through F thereto. Among those exhibits are Exhibit A, which is the report of Ocean and Land Resource Assessment Consultants, dated December 22, 2004 (the "OLRAC Report"), and Exhibit C, the

Affidavit of Special Agent Jeffrey Ray, dated December 22, 2004 (the "Ray Affidavit").

5. Attached hereto as **Exhibit 3** is a true and correct copy of the transcript of proceedings that occurred on January 13, 2005, before the Honorable Lewis A. Kaplan.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the transcript of proceedings that occurred on May 20, 2005, before the Honorable Lewis A. Kaplan.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the transcript of proceedings that occurred on April 7, 2006, before the Honorable Lewis A. Kaplan.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the transcript of proceedings that occurred on May 19, 2006, before the Honorable Lewis A. Kaplan.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the Government's Objections to Magistrate Judge Peck's Report and Recommendation Concerning the Applicability of the Mandatory Victim Restitution Act, dated January 4, 2007, previously filed as Document No 122.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the Government's Reply Brief in Further Support of Its Objections to Magistrate Judge Peck's Report and Recommendation Concerning the Applicability of the Mandatory Victims Restitution Act, dated January 20, 2007, previously filed as Document No 123.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the Government's Memorandum in Support of Restitution under the Victim and Witness Protection Act, dated March 12, 2007, previously filed as Document No. 136, Exh. A.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the Government's Reply Memorandum in Further Support of a Restitution Award under the Victim and Witness Protection Act, dated May 1, 2007, previously filed as Document No. 131 and Document No. 136, Exh. B.

13. Attached hereto as **Exhibit 11** is a true and correct copy of the Government's Objections to Magistrate Judge Peck's Report and Recommendation Concerning the Applicability of the Victim and Witness Protection Act, dated June 15, 2007, previously filed as Document No. 136.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the Government's Memorandum of Law in Opposition to Defendants' Joint Motion for a Departure from the Applicable Sentencing Guidelines Range, dated May 26, 2004, with attachments and Exhibits A and B thereto, previously filed as Document No. 62.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 6, 2012
New York, New York

_____/s/_____
Daniel W. Levy
Assistant United States Attorney
Telephone: (212) 637-1062